

*AMENDMENTS TO THE DRAWINGS*

The attached sheets include changes to Figures 6-13, namely, changing reference number 3 to reference number 31.

Attachment: Replacement Sheet(s)

*REMARKS/ARGUMENTS*

In response to the Office Action mailed January 15, 2008, Applicants amend their application and request reconsideration. In this Amendment claims 3 and 16-21 are cancelled and new claims 22 and 23 are added. Accordingly, claims 1, 2, 4-16, 22, and 23 are now pending.

In this Amendment claim 14 has been amended and no longer positively claims a ratchet mechanism. Therefore, the objection to the drawings as not depicting a ratchet is moot. The Examiner erroneously asserted that reference character 19 was used in the drawings to designate both slits and a membrane. Applicants respectfully disagree. Reference number 17 identifies the membrane and reference number 19 identifies the slits which appear as broken lines in the figures. While there was one error in the specification that is corrected here with respect to the designation of the membrane, there was no inconsistency in the drawings and no drawing change with respect to this item is required.

In considering the objection to the specification, it became apparent that the Examiner has given attention to the wrong form of the specification. There were three such forms submitted with the patent application. The initial form was a translation of the priority patent application into English. Also submitted was a substitute specification. Finally, a comparison document showing the differences between the English language translation and the substitute specification was submitted. As a result, there is disagreement between page and line numbers. For example, the citation of an informality at page 4, line 8 actually applies to page 4, line 10 of the substitute specification, which is the proper specification to be considered. That informality is corrected. In addition, changes have been made in referring to the catheter support base with respect to the embodiment of Figures 8-14. Accordingly, reference numbers in those figures are changed and replacement drawing sheets are supplied. Approval of the replacement drawing sheets is respectfully requested. In

the first described embodiment, the base 3 is a reservoir and in the second described embodiment the supporting base is a sleeve. That sleeve is now numbered as element 31. The basis of the objection to claim 4, appearing under the heading "Specification" has been removed in the foregoing Amendment.

Although many of the examined claims were rejected as indefinite it is apparent the Examiner understood the intention of the claim. Moreover, the claims were not indefinite and the language of claim 1, which is the basis of the rejection, has been amended to eliminate what the Examiner dismisses as "an intended use."

In the foregoing Amendment, the limitation of claim 3, a claim now cancelled, is substantially added to examined claim 1 to produce amended claim 1. The resulting and the other pending claims are amended for clarity. The dependencies of certain dependent claims are changed. New claim 22 results from a combination of amended claims 1 and 4. New claim 23 is a combination of amended claims 1 and 7. Although most of the examined claims were rejected over prior art, claims 4 and 7-9 were stated to be allowable if rewritten in independent form. Therefore, claims 22 and 23 are believed to be allowable as presented.

Examined claims 1, 2, 5, 10, 14, and 15 were rejected as anticipated by Landuyt (U.S. Patent 6,387,076). This rejection is moot in view of the presentation of amended claim 1 which incorporates the limitation of examined claim 3, a claim not rejected as anticipated by Landuyt. Accordingly, there is no response to the rejection based upon Landuyt.

Although the statement of rejection in the Office Action with respect to the rejections for obviousness is unconventional, as best understood, claim 3 was rejected as obvious over Landuyt in view of Brimhall (U.S. Patent 5,306,253). This rejection is respectfully traversed as to claims presented here.

Landuyt describes a catheter retainer that includes a case with a hinged lid that grips a simple tube or lumen of a catheter and that passes through a central part of the container. The part of the catheter at the central part of the container is received in two spaced apart V-grooves and is placed away from the lid of the container into a

locating region 16 between the two V-grooves. When the lid 2 of the container is brought into contact with the base plate 1, a plurality of rectangular teeth 25, which project from the inside surface of the lid, are used to grip the catheter, within the locating region 16. The gripping occurs by displacement of the catheter as illustrated in Figure 2 of Landuyt. The teeth are transverse to the direction of the catheter and thereby provide friction against sliding of the catheter within the container. The container is fixed with an adhesive to the skin of a patient. The opposite side of the catheter from the teeth 35 contacts a surface including pebbles or protrusions 15 that provide additional frictional engagement with the catheter to prevent slipping along the length of the catheter. There is no space within the Landuyt container for accommodating any wings that might project transverse to the catheter. Further, the latch release 20 prevents the insertion of such a catheter within the Landuyt container.

Brimhall describes a catheter including transverse wings that are employed to grip the needled of the catheter to aid in its insertion. The flexible wings are bent towards each other, crimping an internal passage of the wings, thereby gripping the needle temporarily while the needle is inserted into a vessel of a patient. Thereafter the wings are released to resume the normal position illustrated in Figure 5, for example, of Brimhall. As can be seen in that figure, the wings are not precisely coplanar so that the person using the Brimhall device can easily understand the direction in which the wings are to be brought toward each other.

Contrary to the assertion of the Office Action, no motivation can be found for employing a winged catheter, like that described by Brimhall, with the container of Landuyt, even if the container of Landuyt were entirely redesigned to accommodate the wings of the Brimhall catheter. In the invention as defined by amended claim 1, the catheter includes, at the supporting base, which is also a reservoir, two wings protruding from opposite sides of the supporting base. The container lid also includes two pads. When the container is closed, those two pads respectfully rest against the wings to hold the supporting base against a bottom wall of the second chamber of the container. It is clear from the patent application and even from the claim itself, that

the purpose of these two pads is to provide a frictional engagement between the container and the wings so that the catheter cannot slide within the container. However, that result would not be achieved if, as hypothesized in the rejection, Landuyt were modified with Brimhall.

It is beyond argument that in Brimhall, when the wings are in their normal position or even if they are biased to a substantially horizontal position, that the needle of the catheter slides easily along the longitudinal direction of the catheter. In fact, as described in the background section of Brimhall, in structures such as that described by Brimhall the entire purpose of the catheter is to install a cannula that is left in place once the needle has been inserted and after the needle has been withdrawn. Thus, it is essential in such a device, either as to the prior art described by Brimhall or Brimhall itself, to be able to release and grip, selectively, the needle. In Brimhall, the needle is gripped against longitudinal sliding when the wings are brought together. The needle is not prevented from longitudinal sliding when the wings are coplanar. If a winged catheter were installed in the Landuyt container and the teeth 35 were in place pressing against the wings, as hypothesized in the rejection, the result would be to release the needle within the catheter for longitudinal sliding, quite contrary to the objective of Landuyt. In other words, if the hypothetical modification of the rejection were made, Landuyt would be unsatisfactory for reliably gripping the catheter and preventing transmission of forces applied at the “machine end” of the catheter to the needle inserted into the patient. Accordingly, the rejection for obviousness is contrary to the instruction of MPEP 2143.01 V, and is, therefore, erroneous. Accordingly, upon reconsideration, the rejection of examined claim 3 should be withdrawn with respect to all claims now pending.

The rejection of claims 6 and 11-13, based upon other references, are likewise moot in view of the amendment made of the claims. Therefore, it is not necessary to respond to those rejections in view of the demonstrated allowability of amended claim 1.

Reconsideration and allowance of all claims now pending are earnestly solicited.

Respectfully submitted,



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April 15, 2008